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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,102	09/30/2003	Daniel G. Lee	016295.1341(DC-004824)	4814
23640	7590	10/21/2005	EXAMINER	
BAKER BOTTS, LLP			JOHNSON, BLAIR M	
910 LOUISIANA			ART UNIT	
HOUSTON, TX 77002-4995			PAPER NUMBER	

3634

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,102	LEE ET AL.	
	Examiner	Art Unit	
	Blair M. Johnson	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8, 10-16 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 9 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/25/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 112

Claims 2,4,5 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, the use of a “code” or specific industry standard is improper as such standards may change over time. The same is true of the “U” recitation in claims 5 and 15. In claim 4, the information handling system is recited. However, since such was only functionally recited in claim 1, it is somewhat unclear if the combination of the rack system and the information handling system are now being claimed in combination. For examining purposes, it is assumed that claim 4 is introducing the information handling system as a part of the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by De Bortoli et al.

See bracket 11, tray 12, and the retainer (any portion which could remotely “manage” the cables). Claims 14 and 15 are purely functional and do not limit the structure of the claimed device.

Art Unit: 3634

Claims 13-16 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Eizadkhah et al.

See bracket 12, tray 20 and the retainer (any portion which could remotely "manage" the cables). Claims 14 and 15 are purely functional and do not limit the structure of the claimed device. The tray is "generally" horizontal as shown in Fig. 3. The interfaces are met by surfaces on the bracket which are capable of interfacing with a support structure in any manner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5,6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Bortoli et al in view of the prior art disclosed by Applicant.

Applicant discloses that a rack with four rails is conventional, as is commonly known. Providing such a basic support structure for the De Bortoli device would have been well within the purview of one of ordinary skill in the art so as to adequately support the electronics.

Claims 2 and 5 are met as best understood in light of the 112 rejection, above. The recitation of "front" and "back" is insignificant since no basis for such is established.

Claims 1-3,5,6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eizadkhah et al in view of the prior art disclosed by Applicant.

Applicant discloses that a rack with four rails is conventional, as is commonly known. Providing such a basic support structure for the Eizadkhah et al device would have been well within the purview of one of ordinary skill in the art so as to adequately support the electronics.

Claims 2 and 5 are met as best understood in light of the 112 rejection, above. The recitation of "front" and "back" is insignificant since no basis for such is established.

The Eazadkhah et al device has holes, unnumbered, which meet claim 12.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eazadkhah et al as applied above, and further in view of Trevaskis.

Eazadkhah et al discloses a rail 38 and notch 36, such is not enclosed. Trevaskis discloses such a slot and providing such for Eazadkhah et al would have been obvious so as to enclose the sliding portion of the tray to prevent it from being easily removed from the bracket.

Allowable Subject Matter

Claims 4,7,9 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3634

Conclusion

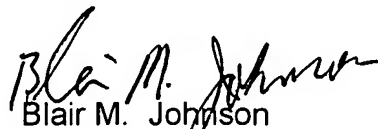
Applicant's traverse is noted. However, it is clear that the structure of claims 1-18 could be used with a different method and the method could be used in conjunction with a different structure, as evidenced by the art used in the rejection, above.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
10/17/05